



REZONING APPLICATION ANALYSIS

ZONING CASE #: Z2009-05

LANDOWNERS: JE Cherokee Street, LLC
Attn: Barry McWhirter
Building 400
4045 Orchard Road
Smyrna, GA 30080

APPLICANT: McWhirter Realty Corp.
Building 400
4045 Orchard Road
Smyrna, GA 30080

AGENT: J. Kevin Moore
Moore Ingram Johnson & Steele, LLP
Emerson Overlook
326 Roswell Street
Marietta, GA 30060

PROPERTY ADDRESS: 732 Cherokee Street and 120 Lewis Drive

PARCEL DESCRIPTION: Land Lot 1074, 16th District, Parcels 39 and 50

AREA: 1.40 acs. **COUNCIL WARD:** 4

EXISTING ZONING: OI (Office Institutional)

REQUEST: OI (Office Institutional) with stipulations

FUTURE LAND USE MAP

RECOMMENDATION: CSI (Community Service & Institutional)

REASON FOR REQUEST: The petitioner is requesting the rezoning of 1.4 acres from OI to OI with stipulations in order to construct an approximately 90,000 s.f., nine story medical office building.

PLANNING COMMISSION: Wednesday, April 1, 2009 – 6:00 p.m.

CITY COUNCIL HEARING: Wednesday, April 15, 2009 – 7:00 p.m.

MAP

City of Marietta Area Zoning Map



Zoning

SINGLE FAMILY RESIDENTIAL

R-1 One Unit/Acre
R-2 Two Unit/Acre
R-3 Three Unit/Acre
R-4 Four Unit/Acre

ATTACHED FAMILY RESIDENTIAL

RA-4 Four Unit/Acre
RA-6 Six Unit/Acre
RA-8 Eight Unit/Acre
PRD(SF): Planned Residential Dev.

MULTI-FAMILY RESIDENTIAL

RM-8 Eight Unit/Acre
RM-10 Ten Unit/Acre
RM-12 Twelve Unit/Acre
RHR: Residential High Rise
PRD(MF): Planned Residential Dev.

COMMERCIAL

NR-C Neighborhood Retail
CRC: Community Retail
RRC: Regional Retail
CBD: Central Business District
PCD: Planned Commercial Dev.
MXD: Mixed-Use Dev.
OIT: Office Institutional Trans.
LRO: Low Rise Office
OI: Office Institutional
OIS: Office Services
OHR: Office High-Rise

INDUSTRIAL

LI: Light Industrial
HI: Heavy Industrial
PID: Planned Industrial Dev.

 City Limits

District

16
16

Land Lot

10740
10740

Parcel

0500
0390

Zoning

OI
OI

Comments: 732 Cherokee Street &
120 Lewis Drive

Date

02/24/2009

Planning and Zoning
Department



1" = 200'

PICTURES OF PROPERTY



732 Cherokee Street



120 Lewis Drive

STAFF ANALYSIS

Location Compatibility

JE Cherokee Street, LLC, is requesting the rezoning of 1.4 acres located at 732 Cherokee Street and 120 Lewis Drive from OI (Office Institutional) to OI with stipulations in order to develop a nine story medical office building. Although the property is currently zoned to allow for medical office, multiple variances are required in order to accommodate the scale of the development.

The property currently contains two medical office buildings and a three story apartment building. Because of its proximity to Kennestone Hospital, the surrounding area is characterized primarily by medical offices with a mix of supporting retail and commercial industries. All of the properties adjacent to the subject property are zoned OI. The recently completed Kennestone East Office Park along Canton Road lies to the east of the proposed development. Aside from the apartment building, the only nearby residential area is the Kennestone Heights neighborhood across Canton Road. The location of this proposed development is compatible with the development pattern established in the Kennestone area, which is continuing to grow despite a depressed real estate and building market elsewhere.

Use Potential and Impacts

According to the site plans submitted, the applicant is proposing an approximately 90,000 square foot, nine-story office building on the site in order to serve medical office tenants requiring large operating spaces. The building is designed such that most floors are of different sizes, resulting in a terraced-look. The building will consist of nine stories, with two levels of below grade parking and three levels of above grade, structured parking.

Due to the building's large scale, relief from the standard area regulations for OI has been requested in order to proceed. Variances have been requested to reduce the front, side, and major side setbacks. A 90,000 s.f. building on this lot would yield a Floor Area Ratio (FAR) of 1.48. Since the FAR is limited to 0.75, a variance would be needed, and the petitioner is requesting an increase in the maximum FAR from 0.75 to 2.0. Also, requests have been made to reduce the required 15% landscaped area to 10%; and to increase the impervious surface area from 80% to 90%..

The elevations that have been submitted are not to scale, and staff is unable to verify the exact height of the building. The highest measurement indicated is at 110 feet above the lowest finished grade; however this does not appear to be the highest point of the building. The city defines height as "*the vertical distance measured from the mean elevation of the proposed finished grade to the highest point of a structure, sign or its supporting structure; whichever is higher.*" A variance to increase the maximum building height to 150 feet has been requested, but without scaled drawings, staff cannot determine the exact building height. Further, the submitted elevations do not indicate proposed building materials.

A variance was granted by the Board of Zoning Appeals in April 2005 for WellStar Health Systems to increase building height from 50 feet to 128 feet. Also granted was a variance to increase the FAR to 0.95 from 0.75. These variances were necessary to complete the new parking deck at Kennestone Hospital. Because the elevation of the proposed site at 732 Cherokee Street and 120 Lewis Drive is much lower than that of the hospital, the proposed building, even if a full 150 feet tall, should not be much taller than the existing parking deck.

Aside from the increase in vehicular trips generated, this project should not jeopardize the health, safety, morals and general welfare of the public. The immediate area has long been used for medical uses in conjunction with the hospital. Marietta's Comprehensive Plan has assigned the Future Land Use (FLU) for this site as Community Service & Institutional (CSI). Compatible zoning categories for CSI are OI, Office Institutional and OIT, Office Institutional Transitional, and should contain governmental or institutional uses. Primary uses in this district should be oriented toward the provision of public, quasi-public, or non-profit services and supporting features. As a result, the proposed zoning of OI is compatible with the City's Comprehensive Plan.

Environmental Impacts

There is no evidence that any wetlands, flood plain, or endangered species exist on the property. Given the topography of the property, extensive grading will be necessary to accommodate the deck and office building. As a result, none of the trees will be saved. There is typically an environmental impact associated with an increase of stormwater runoff due to the added impervious surface, and that issue will have to be addressed during plan review, should this rezoning request be approved. As noted above, the petitioner is requesting a variance to increase the impervious surface coverage from 80% to 90%.

City code requires a ten foot planted border along any portion of property adjacent to any roadway. Portions of this development, such as the plaza at the corner of Cherokee Street and Lewis Drive, the six surface parking spaces, the stair and elevator landing on the northeast section of the building, the dumpsters and dumpster drive, all encroach into the ten foot border. The site plan would have to be revised to provide for the required 10 foot landscaped strip; or in order to proceed as proposed, a variance to allow encroachment into the required 10 foot landscaped strip would be necessary. A site plan specific variance may be necessary to require that the planted borders that are indicated on the plans are provided. If approved as proposed, it would also be necessary to reduce the requirement that one tree be planted every thirty feet along street frontages and accessways.

STAFF ANALYSIS CONTINUED

Economic Functionality

While the property is still functional as it is presently zoned, the existing office and apartment buildings on the subject property are under-utilized. This site is situated in a very appealing location: convenient access to I-75 and I-575, minutes from the Marietta Square, and across the street from Kennestone Hospital. A more intensely used and densely developed project would not only upgrade the site, but also the Church-Cherokee-Kennestone Corridor.

Infrastructure

The most notable impact this development will have on the area is the added traffic. Average annual daily traffic for 90,000 s.f. of medical office is 3,251 trips per day. Considering the traffic from the hospital, north-south bound commuter traffic and a convoluted road network, this many new trips could significantly impact the traffic flow of the area. However, medical offices in such close proximity to the hospital may encourage patients, medical staff and visitors to walk, rather than drive, across the street. The deck may also indirectly encourage walking if the parking deck charges users or requires a permit. A sidewalk project for the east side of Cherokee Street towards the hospital is currently being planned and should help with promoting walkability in the area.

Based on the number of parking spaces proposed, parking should not be a problem. City code would require 300 spaces for 90,000 s.f. of medical office and the proposed plan shows 148 spaces above the city regulations. Two entrances to the deck are shown: one accessing Lewis Drive and one accessing the Kennestone East Office Park towards Canton Road. If the deck is to be gated, there may be a stacking problem for the entrance off of Cherokee Street. Staff has not been provided interior floor plans for the deck and is unsure how far the gate will be set back or how many cars will be able to stack. Typically, gates for private communities must be set back a minimum of 50 feet off of the right of way for this purpose.

Although full comments are addressed in the appendix to the analysis, the following are notable comments from Marietta Public Works that may affect site design :

- Dumpster and wall shown within the R.O.W. must be out of R.O.W., on property.
- To prevent trash trucks from having to back onto Lewis Drive, add a curb cut onto Lewis Drive so trash trucks may back away from the dumpsters, and proceed directly onto Lewis Drive. The drive through is to be one-way, and clearly signed to prevent the public from access to the drives.
- The grade at the entrances are to be per Ordinance and ITE standards. Proper vertical and horizontal curves are required for all changes in grade of 3% or greater. Accel/decel lanes shall be exclusive of the vertical curve for the entrance roads/drives.

- All roads, including Private, are to be per City Standards, and inspected during construction. Roads are to be designed to AASHTO standards using the SU-30 vehicle with a minimum 25' or greater radii.
- Parking spaces to be designed per ITE "Level A" standards exclusive of curb and gutter. Parking spaces are minimum of 9' x 20' and minimum of 20' drive aisle with all dimensions exclusive of curb and gutter.
- The three accesses must have sight distances studied to ensure that landscaping does not block the sight distance at each point of ingress/egress.
- 2' grass strip and 5' sidewalk to extend to along entire frontages of Lewis Drive and Cherokee Street.

Although full comments are addressed in the appendix to the analysis, the following are notable comments from Marietta Fire Department that may affect site design :

- Fire department access roads shall have an unobstructed width of 20 feet ,14 feet for one way travel (the right turn lane from Cherokee Street. to Lewis Drive is only 12 feet wide), and an unobstructed vertical clearance of 13 feet, 6 inches.(height of overhang in front of building not shown on plans.

It should also be noted that four trees, a dumpster, wall and landing are shown within the right-of-way and should be relocated. This may also affect site design.

History of Property

There is no record of any variances, Special Land Use Permits, or rezoning for this property.

Other Issues

Should this property be rezoned as submitted, an exemption plat will be required to combine the two properties into one.

Marietta Power currently serves the site but customer may qualify as a customer choice project. Further review is necessary to confirm.

ANALYSIS & CONCLUSION

JE Cherokee Street, LLC, is requesting to rezone 1.4 acres located at 732 Cherokee Street and 120 Lewis Drive from OI (Office Institutional) to OI with stipulations in order to develop a nine story medical office building. Although the property is currently zoned to allow for medical office uses, a number of variances would be necessary in order to accommodate the scale of the proposed development. According to the site plans submitted, the applicant is proposing an approximately 90,000 square foot, nine-story terrace-style office building with structured parking on the lower levels.

In order to develop the project as submitted, the petitioner has requested the approval of the following variances in conjunction with the rezoning:

- Reduction in required minimum front setback on Cherokee Street from 50 ft. to 8 ft.
- Reduction in required minimum front setback on Lewis Drive from 30 ft. to 0 ft.
- Increase in maximum building height from 50 ft. to 130 ft.
- Increase in the maximum floor area ratio from 0.75 to 2.0
- Increase in the required impervious surface area from 80 % to 90 %
- Reduction in the required minimum landscaped area from 15 % to 10 %
- Reduction in the required minor side setback (adjacent to property line) from 15 ft. to 0 ft.
- Reduction in the required rear setback from 35 ft. to 5 ft.

The following variances have not been requested but would be needed in order to develop as submitted:

- Variance to reduce the planted border area from 10 ft. to 0 ft. for the areas shown on "Rendering Plan" and "DWG Name: 9038PROJ" submitted with the rezoning application. [Section 712.08 (G)(2) and (Table G)]
- Variance to reduce the minimum number of trees per lineal foot of roadway from one tree per 30 lineal feet to one tree per 62 lineal feet of roadway. [Section 712.08 (G)(Table G)]

The Future Land Use (FLU) of this property and the immediate vicinity is Community Service & Institutional (CSI), which encourages institutional, governmental and non-profit organization uses. The proposed zoning and project are compatible with this FLU designation.

Prepared by: _____

Approved by: _____



DATA APPENDIX

CITY OF MARIETTA - WATER

Is a water line adjacent to the property?	Yes
If not, how far is the closest water line?	N/A
Size of the water line?	6-inch
Capacity of the water line?	Flow Test Required
Approximate water usage by proposed use?	Not provided

CITY OF MARIETTA - SEWER

Is a sewer line adjacent to the property?	Yes
If not, how far is the closest sewer line?	n/a
Size of sewer line?	10-inch
Capacity of the sewer line?	Capacity is unavailable
Estimated waste generated by proposed development?	A.D.F Peak Not provided
Treatment Plant Name?	Cobb County
Treatment Plant Capacity?	Cobb County
Future Plant Availability?	Cobb County

DATA APPENDIX CONTINUED

Drainage and Environmental Concerns

Does flood plain exist on the property?	NO
What percentage of the property is in a floodplain?	---
What is the drainage basin for the property?	Sope Creek
Is there potential for the presence of wetlands as determined by the U.S. Environmental Protection Agency?	NO
If so, is the use compatible with the possible presence of wetlands?	---
Do stream bank buffers exist on the parcel?	NO
Are there other topographical concerns on the parcel?	NO
Are there storm water issues related to the application?	NO
Potential presence of endangered species in the area?	NO

Transportation

What is the road affected by the proposed change?	Lewis Drive, Cherokee Street, Canton Road
What is the classification of the road?	Lewis Drive: Local Cherokee Street: Arterial Canton Road: Arterial
What is the traffic count for the road?	Lewis Drive: No Data Available Cherokee Street: 18,120 AADT Canton Road: 7,370 AADT
Estimated number of cars generated by the proposed development?	---
Estimated number of trips generated by the proposed development?	Medical Offices, $90 \text{ K} \times 36.13 = 3,251$ AADT (335 peak PM hour)
Do sidewalks exist in the area?	NO -- Proposed
Transportation improvements in the area?	YES
If yes, what are they?	Tower Road project – Tower Road & Church Street Extension

- Site plans will be required for construction – they were submitted for first review on Feb 17, 2009. Site plans must include, parking, driveways, streets, stormwater management, stormwater quality, 10% downstream analysis, and any other applicable improvements required by City code and Georgia Stormwater Management Manual. Additional comments will be made at time of site plan submittal. There can be no point discharge onto adjacent property which is not into a stream, defined drainageway, or storm sewer. Discharge will not be allowable at the property line. If easements are required for drainage through adjacent property, then the owner is to obtain. The “Pre – CN” should be 74. Construction Site Plans are currently under review.
- Easements are required for work, or material / structure locations on the adjacent property, even if same owner.
- Drives are to be a minimum of 20’ of asphalt travelway, 24’ back of curb/back of curb.
- 2’ grass strip and 5’ sidewalk to extend to along entire frontages of Lewis Drive and Cherokee Street. Handicap Ramps are required at driveways to street. Stop Signs and handicap ramps to be provided at all crosswalks. Additional R.O.W. with mitres must be provided for the sidewalks. Sidewalks must be completely within the new R.O.W.
- No dumpster location was noted. Care is to be taken in location of the dumpster to facilitate traffic flow at all times.
- Dumpster and wall shown within the R.O.W. – must be out of R.O.W., on property.
- To prevent trash trucks from having to back onto Lewis Drive, add a curb cut onto Lewis Drive so trash trucks may back away from the dumpsters, and proceed directly onto Lewis Drive. The drive through is to be one-way, and clearly signed to prevent the public from access to the drives.
- The grade at the entrances are to be per Ordinance and ITE standards. Proper vertical and horizontal curves are required for all changes in grade of 3% or greater. Accel / decel lanes shall be exclusive of the vertical curve for the entrance roads / drives.
- All roads, including Private, are to be per City Standards, and inspected during construction. Roads are to be designed to AASHTO standards using the SU-30 vehicle with a minimum 25’ or greater radii.
- Parking spaces to be designed per ITE “Level A” standards exclusive of curb and gutter. Parking spaces are minimum of 9’ x 20’, and minimum of 20’ drive aisle with all dimensions exclusive of curb and gutter.
- The three accesses must have sight distances studied to ensure that landscaping does not block the sight distance at each point of ingress / egress.



DATA APPENDIX CONTINUED

EMERGENCY SERVICES

Nearest **city** or county fire station from the development? 112 Haynes Street

Distance of the nearest station? 1 mile

Most likely station for 1st response? 112 Haynes Street

Service burdens at the nearest city fire station (under, at, or above capacity)? None

Marietta Fire Department

MEMO

DATE: 2/19/09

TO: Patsy Bryan

FROM: Keith Person

RE: Mc Whirter Realty Corp Rezoning 732 Cherokee Street and 104 Lewis Drive

The fire department has the following comments regarding the above referenced:

- This building shall comply with all of the requirements of a high rise structure.
- This building shall be fully sprinkled with an N.F.P.A. 13 system.
- This building shall have a class 1 standpipe system.
- This building shall have an UL rated fire alarm system.
- This building shall comply with Georgia ADA codes
- A fire pump may be required.
- Fire department access roads shall have an unobstructed width of 20feet ,14 feet for one way travel (the right turn lane from Cherokee Street. to Lewis Drive is only 12 feet wide), and an unobstructed vertical clearance of 13 feet, 6 inches.(height of overhang in front of building not shown on plans.
- Total amount of ADA Parking not shown on plans.
- Additional ADA striping is required form accessible parking to building.
- Fire flow data needed.
- Nearest hydrants not shown on plans.



DATA APPENDIX CONTINUED

MARIETTA POWER - ELECTRICAL

Does Marietta Power serve this site? Yes X No

If not, can this site be served? Yes No

What special conditions would be involved in serving this site?

This customer may qualify as a customer choice project. Further review is necessary to confirm.

Additional comments: